

APR 12 1993

Ms. Christina Purcell
Case Manager
Bureau of Federal Case Management
New Jersey Department of Environmental Protection
401 East State Street, CN 028
Trenton, NJ 08625-0028

Re: Additional Comments Regarding the L. E. Carpenter Company (aka
Dayco Corporation) Site in Wharton, NJ

Dear Ms. Purcell:

This is in response to your March 29, 1993 letter transmitting a copy of the revised Rockaway River Sediment Ecological Assessment Report dated March 1993. I referred this report to Mr. Larry Tannenbaum of our Program Support Branch. After reviewing the document, Mr. Tannenbaum informed me that the revised report adequately addresses the comments prepared by Mr. Tannenbaum and Ms. Shari Stevens on the prior draft (see my January 12, 1993 letter to you).

Because this site is addressed by the EPA/State Pilot Agreement signed last December, this letter is transmitted to you for informational purposes, but not to represent the official position or the concurrence of the U.S. Environmental Protection Agency (EPA). The EPA/State Pilot Agreement includes somewhat more elaborate model language for transmittal of EPA comments to the State. I have also enclosed a copy of the model language for your information.

Feel free to contact me at 212 264-8098 if you wish to discuss this matter.

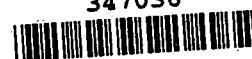
Sincerely yours,

Jonathan Josephs, Project Manager
New Jersey Superfund Branch II
Emergency and Remedial Response Division

Enclosure

JJ 4/9/93

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APPENDIX C

Model Language for Documents Transmitting EPA Comments to States at Non-Fund-Financed State-Lead Enforcement Sites.

The following language will be added to any comments EPA gives regarding activities at Non-Fund-financed State-lead Pilot sites.

As the Remedial Project manager for the Site, I have reviewed the [RI/FS, draft ROD/RD workplan, etc.] and have the comments set forth below. These comments do not, however, constitute EPA concurrence on any or all points contained in the document. The Agency has not reviewed the document in the depth necessary to make such a judgment. Because this site has been designated as a "non-Fund-financed State-lead enforcement site," EPA concurrence is not a prerequisite to a State's selecting a remedy (under State law), and EPA's concurrence has neither been requested by the State nor offered by EPA. As the National Contingency Plan regulations note, "[u]nless EPA's Assistant Administrator for Solid Waste and Emergency Response or Regional Administrator concurs in writing with a State-prepared ROD, EPA shall not be deemed to have approved the State's decision" (40 CFR 300.515(e)(20(ii)); in this case, neither the Assistant Administrator for OSWER nor the Regional Administrator has so concurred.